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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,926	04/06/2007	Rainer Kolmonen	1034456-000043	9294
21839 7590 10/07/2009 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER FISHMAN, MARINA	
			ART UNIT 2833	PAPER NUMBER
			NOTIFICATION DATE 10/07/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,926	<b>Applicant(s)</b> KOLMONEN ET AL.	
	<b>Examiner</b> Marina Fishman	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4 and 7 is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *General status*

1. This is a Final Action on the Merits. Claims 1 - 7 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Seymour et al. [US 5,485,134].

Regarding Claim 1, Seymour et al. disclose an auxiliary contact configuration for a switching device [Figure 1], the switching device comprising:

- a frame part [11, 13, 14] and the auxiliary contact configuration comprising a first auxiliary contact position [Figures 2, 3, auxiliary contact or micro-switch 32 in a first position, next to the left wall of sub-frame 23] provided in the frame part and configured to receive an auxiliary contact [32], when installed in the first auxiliary contact position;
- a second auxiliary contact position [Figures 2, 3, auxiliary contact or micro-switch 32 in a second position, next to the right wall of sub-frame 23] provided near the first auxiliary contact position and

- configured to receive the auxiliary contact [32], when installed in the second auxiliary contact position;
- a movable auxiliary contact control device [25] that includes a first control element [27, 29-left extension] arranged to control the auxiliary contact [32] when installed in the first auxiliary contact position [Figure 2, on the left wall 23]; and a second control element [27, 29-right extension] arranged to control the auxiliary contact [32] when installed in the second auxiliary contact position [Figure 2, on the right wall 23] in a manner different from a manner in which the first control element is arranged to control the auxiliary contact, when installed in the first auxiliary contact position.

Regarding Claim 3, Seymour et al. disclose the auxiliary contact control device is arranged to move substantially linearly. Regarding Claim 5, Seymour et al. disclose the control elements [27, 29] comprise slopes. Regarding Claim 6, Seymour et al. discloses, the auxiliary contact configuration comprises a microswitch position [32] provided in the frame part and that the auxiliary contact control device [25] is provided with a microswitch control element [29] arranged to control a microswitch installed in the microswitch position.

***Allowable Subject Matter***

4. Claims 2, 4 and 7 allowed.

***Response to Arguments***

5. Applicant's arguments filed 07/16/2009 have been fully considered but they are not persuasive.

Applicant has argued, that nowhere in Seymour is there any teaching or suggestion on a movable auxiliary contact control device that includes a first control element arranged to control the auxiliary contact when installed in the first auxiliary contact position, and a second control element arranged to control the auxiliary contact, when installed in the second auxiliary contact position, in a manner different from a manner in which the first control element is arranged to control the auxiliary contact when installed in the first auxiliary contact position, as recited in claim 1. The Examiner respectfully disagrees. The micro-switch can be installed on the left side wall of the frame and on the right side wall of the frame, making it a first auxiliary contact position and a second auxiliary contact position. The control device has a plate [29A] with extension on left side as well as on the right side, the left side extension actuates the micro-switch, when the micro-switch is installed in the first auxiliary contact position and the right side extension actuates the micro-switch, when the micro-switch is installed in the second auxiliary contact position, thus the control device actuates the micro-switch differently, when the micro-switch is installed in the second auxiliary contact positions from the first auxiliary contact position.

Applicant's has argued that the control device of Seymour does not appear to be arranged to move substantially linearly and nowhere in Seymour is there any teaching or suggestion that the lever 25 moves linearly. Examiner respectfully disagrees. As

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seen in Figure 3, due to the force of compression spring [30], the extensions of the control device abut against the bottom surface of side walls where recess [23B] is formed, and such, when lever [48, Figure 4] forces the roller [26], the extensions would move against the bottom surface of the recess [23B] and as such the control device moves linearly. Also, please note that the claim only requires movement to be “substantially” linearly.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 5:30 - 4:00 M-T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/  
Examiner, Art Unit 2833  
September 29, 2009

*/renee s luebke/*  
Renee Luebke  
Supervisory Patent examiner  
AU 2833